

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAMAR BURTON,

Plaintiff,

v.

Case No. 20-cv-12501  
Hon. Matthew F. Leitman

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

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**ORDER (1) OVERRULING PLAINTIFF’S OBJECTION (ECF No. 82) TO  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION (ECF No.  
80); (2) ADOPTING RECOMMENDED DISPOSITION OF REPORT AND  
RECOMMENDATION (ECF No. 80); AND (3) GRANTING DEFENDANT  
WARREN’S MOTION FOR SUMMARY JUDGMENT (ECF No. 66)**

In this civil action, Plaintiff Lamar Burton brings claims under 42 U.S.C. § 1983 against the Michigan Department of Corrections (“MDOC”) and a number of MDOC employees, including Pat Warren, a former warden at an MDOC facility where Burton was incarcerated. On October 17, 2022, Defendant Warren filed a Motion for Summary Judgment based on Burton’s failure to exhaust his administrative remedies. (*See* Mot., ECF No. 66.) On January 17, 2023, the assigned Magistrate Judge entered a Report and Recommendation in which she recommended that Defendant Warren’s motion be granted (the “R&R”). (*See* R&R, ECF No. 80.) Burton filed an Objection to the R&R on February 6, 2023. (*See* Obj., ECF No. 82.)

On April 4, 2023, the Court held an in-person hearing on Burton's Objection to the R&R. Burton failed to appear for that hearing. For the reasons explained on the record during the hearing, Burton's Objection (ECF No. 82) is **OVERRULED** and the recommended disposition of the R&R (ECF No. 80) is **ADOPTED**. Defendant Warren's Motion for Summary Judgment (ECF No. 66) based on Burton's failure to exhaust is **GRANTED**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 4, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 4, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
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